

J-1 Visa Waiver Review and Recommendation Process For the State of Nebraska

The State of Nebraska is committed to assisting all residents of Nebraska to having access to quality, affordable health care. Therefore, the Nebraska Health & Human Service System is prepared to consider recommending a waiver of the foreign residence requirement on behalf of physicians holding J-1 visas under certain conditions.

This process applies to physicians who have been admitted to the United States in, or acquiring, a J-1 visa status before June 1, 2002.

The Nebraska Health & Human Services' policy is completely discretionary, voluntary and may be modified or terminated at any time. The submission of a complete waiver package to the Nebraska Health & Human Service System does not ensure that the Nebraska Health & Human Service System will recommend a waiver. In all instances, the Nebraska Health & Human Service System reserves the right to recommend or decline any request for a waiver.

A waiver request to the Nebraska Health & Human Service System must come from a Nebraska health care facility (clinic or hospital) on behalf of a J-1 physician and not directly from a J-1 physician.

Description of the Waiver Review Process

Request for a waiver of the foreign residence requirement must be made by a local health care facility (clinic or hospital) directly to the Nebraska Health & Human Service System, Office of Rural Health. Upon request, an information packet will be sent detailing the information/documentation that is required.

Each case will be reviewed on a case by case basis by the Nebraska Office of Rural Health. A recommendation will be made to the Chief Medical Officer of the Nebraska Health & Human Service System to make the final determination. The review and submission process by the State of Nebraska usually takes two weeks, the entire application process including the review by the Department of State and U.S. of Citizenship and Immigration Services takes 3 – 4 months.

Only thirty (30) waivers can be granted per state per year. Each case file will be assigned a priority number. The non shortage area requested applications (up to 5 of the 30) will be reviewed in the same manner as other applications.

If the Nebraska Health & Human Service System decides to recommend a waiver, the application and letter of support will be sent to the U.S. Department of State. The representative on the G-28 form and the sponsoring employer will be notified when the application is sent (usually within two weeks of receipt of the application packet).

The U.S. Department of State will check with the organization that issued the IAP-66 "Certificate of Eligibility for Exchange Visitor (J-1) Status", bringing the person into the U.S. If that organization has no objections to the person being granted the waiver and the case has all the necessary documentation, US Department of State will forward the package to the U.S. Citizenship and Immigration Service (USCIS) with a favorable recommendation. The U.S. Citizenship and Immigration Service (USCIS) will inform the requestor and the Nebraska Health & Human Service System of its decision.

Nebraska J-1 Visa Waiver Request Requirements

The Department of State may be able to process the application faster if the following application format is used:

1. **A letter from the head of the facility** at which the physician will be employed that:
 - Requests that the Nebraska Health & Human Service System act as an interested government agency and request a waiver for the J-1 physician.
 - Summarizes how the health care facility has attempted to locate qualified U.S. physicians. Delineate past efforts and include copies of advertisements, or agreements with placement services, or submit a strongly-worded, detailed statement describing recruitment efforts. In addition, the health care facility's long range plans for retention of the J-1 physician must be detailed.
 - Provides a detailed description of the health care facility, including the nature and extent of its primary care medical services and current health care providers.
 - Assures that the health care facility and the physician will accept Medicaid and Medicare eligible patients.
2. **J-1 Visa Waiver Affidavit and Agreement**
3. **Form G-28** or letterhead from the law office, if applicant is represented by an attorney.
4. **Employment Contract signed by both parties**, which includes:
 - name and address of the health care facility
 - the specific geographic area where they will practice medicine
 - fulltime employment (a minimum of 40 hours a week)
 - for a minimum of three years
 - to begin practice within 90 days of receiving a waiver from INS
5. **IAP – 66/DS-2019 Forms**
6. **Data Sheet DS-3035** (<http://www.state.gov/documents/organization/9768.pdf>)
7. **Department of State Case file #** (<https://j1visawaiverrecommendation.state.gov/>)
8. **I-94 Entry and Departure Cards** (Photo copies, front and back)
9. **Evidence that the facility is in a HPSA, MUA or MUP**
(<http://bhpr.hrsa.gov/shortage/>)
10. **Curriculum Vitae**
11. **Personal Statement** from IMG regarding his/her reasons for not wishing to fulfill the two-year home country residence requirement.
12. **Letter From Facility** that indicates a desire to hire the physician.
13. **Explanation For Out of Status** IF IMG spent any period of time in some other visa status.
14. **A “No Objection” Statement** from the visitor's government IF foreign government funding is involved.
15. **Original and one unbound copy** of the entire waiver package.

J-1 Visa Waiver Affidavit and Agreement

I _____, being duly sworn, hereby request that the Nebraska Health & Human Service System review my application for the purpose of recommending waiver of the foreign residency requirement set forth in my J-1 visa, pursuant to the terms and conditions as follows:

I understand and acknowledge that the review of this request is discretionary and that in the event a decision is made not to grant my request, I hold harmless the State of Nebraska, the Nebraska Health & Human Service System, any and all State of Nebraska employees, agents and assignees from any action or lack of action made in connection with this request.

I further understand and acknowledge that the entire basis for the consideration of my request is the Nebraska Health & Human Services System's voluntary policy and desire to improve the availability of medical care in Federal Health Professional Shortage Areas.

I understand and agree that in consideration for a waiver, which eventually may or may not be granted, I shall render medical services to patients, for a minimum for forty (40) hours per week within an area designated by the Secretary of Health as having a shortage of health care professionals. Such service shall commence not later than ninety (90) days after I receive notification of approval by both the U.S. Citizenship and Immigration Service (USCIS) and the U.S. Department of Labor and shall continue for a period of at least three (3) years.

I further agree that any employment agreement I enter into pursuant to paragraph 3 shall not contain any provision which modifies or amends any of these terms of this J-1 Visa Waiver Affidavit and Agreement.

I understand and agree that my medical care services rendered pursuant to paragraph 3 shall be in a Medicare and Medicaid certified facility which has an open, non-discriminatory admission policy.

I understand and acknowledge that if I willfully fail to comply with the terms of this J-1 Visa Affidavit and Agreement, the Nebraska Health & Human Service System will notify INS. Additionally, any and all other measures available to the Nebraska Health & Human Services will be taken in the event of non-compliance.

I will provide documentation of my H1-B approval notice in a timely manner to the Chief Medical Officer or designated contact person for the Nebraska Health & Human Services System.

I declare under the penalties of perjury that the foregoing is true and correct.

Subscribed and sworn to before me
this ____ day of _____, 200__.

Notary Public